

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2015 DEC -1 PM 3: 24

FILED
EPA REGION VIII
HEARING CLERK

In the Matter of:)
Aspen View Homes, LLC)
1710 Jet Stream Drive, Suite 100)
Colorado Springs, CO 80921) STATUS REPORT
)
COLA, LLC)
7910 Gateway Blvd. East, Suite 102)
El Paso, TX 79915)
)
Respondents)
Regional Judicial Officer (RJO)

Comes Now Complainant, the United States Environmental Protection Agency (EPA), Region 8, and Respondents, Aspen View Homes, LLC and COLA LLC, informing the Regional Judicial Officer (RJO) that the following change to the Combined Complaint and Consent Agreement (CCCA) has been made as a result of a comment received during the public comment period. Paragraph 50 has been changed to delete the "January 1" reference for quarterly payments since the installment schedule should reflect three quarterly payments after the initial 30 day payment. Paragraph 50 now reads as follows:

50. Respondents consent and agree to pay a civil penalty in the amount of \$92,000 payable in quarterly installments of \$23,000. Respondents consent to the issuance of a final order and consent to the payment of a civil penalty of ninety two thousand dollars (\$92,000). Respondents shall pay an initial installment of twenty three thousand dollars (\$23,000) within thirty (30) days of the effective date of the Final Order in this matter. The remainder of the penalty shall be paid quarterly thereafter in three installments of twenty three thousand dollars (\$23,000) due on the first day of each calendar quarter following the initial installment (April 1, July 1, and October 1).

A corrected version of the CCCA is hereby enclosed. The Parties request that the RJO issue the Final Order in this matter incorporating the enclosed CCCA.

Respectfully submitted this 1st day of December, 2015.



Brenda L. Morris, Attorney
U.S.EPA Region 8
1595 Wynkoop St.
Denver, CO 80202-1129

training available in the Denver area which is only an hour drive from Colorado Springs.

45. The Respondent, Aspen, is a member of the Housing and Building Association of Colorado Springs, a branch of the National Homebuilders Association. The national and local branches of the homebuilders association provide information on construction storm water compliance and offers educational courses.
46. Therefore, the Respondents should have been fully aware of their responsibility to meet the requirements related to storm water control.

Economic Benefit

47. Respondents received an economic benefit from its failure to fully comply with the requirements in the Permit. Respondents received benefits by failing to timely develop an adequate SWMP, failing to fully implement the SWMP, failing to implement and maintain BMPs, and failing to conduct inspections.

Ability to Pay

48. The EPA did not reduce the proposed penalty due to this factor.

Other Matters that Justice may Require

49. The EPA made no penalty adjustments regarding other matters.

Penalty

50. Respondents consent and agree to pay a civil penalty in the amount of \$92,000 payable in quarterly installments of \$23,000. Respondents consent to the issuance of a final order and consent to the payment of a civil penalty of ninety two thousand dollars (\$92,000). Respondents shall pay an initial installment of twenty three thousand dollars (\$23,000) within thirty (30) days of the effective date of the Final Order in this matter. The remainder of the penalty shall be paid quarterly thereafter in three installments of twenty three thousand dollars (\$23,000) due on the first day of each calendar quarter following the initial installment (April 1, July 1, and October 1).
51. Payments shall be made in the manner described below:
 - a. Payment shall be made according to the instructions on the attached document entitled Attachment 1, Collection Information, which is herein made a part of this CCCA. A copy of the check or evidence or wire transfer shall be sent simultaneously to:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one true and correct copy of the COMBINED COMPLAINT AND CONSENT AGREEMENT (CCCA) was hand-carried to the Regional Hearing Clerk:


Tina Artemis, Region 8 Hearing Clerk
U.S. Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202-1129

And that a true copy of the same was sent via CERTIFIED MAIL/RETURN RECEIPT REQUESTED to

LAW OFFICE OF TAD S. FOSTER
20 Boulder Crescent #100
Colorado Springs, Co 80903

tadfoster@tsfosterlaw.com
719 632 5240
719 963 9466 cell

12-1-15
Date


Brenda L. Morris